

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00017-M-RJ

ROBERT MORGAN,

Plaintiff,

v.

TOWNE PROPERTIES, LLC, et al.,

Defendants.

ORDER

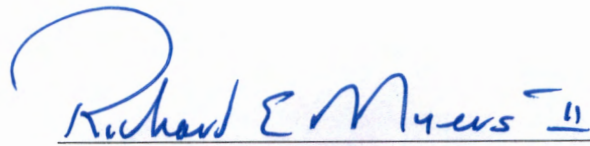
This matter comes before the court on for review of the Order and Recommendation (the “Recommendation”) filed on December 6, 2023, by Magistrate Judge Robert B. Jones, Jr. in accordance with 28 U.S.C. § 636(b). DE 72. In the Recommendation, Judge Jones recommends that Defendants’ motions to dismiss be granted and that Plaintiff’s motion for reconsideration be denied as moot. *Id.* at 1, 23. The Recommendation, which includes instructions and a deadline for objections, was served on Plaintiff on December 6, 2023. *See id.* at 23-24. After the deadline for filing objections passed, Plaintiff moved for an extension of time to respond to the Recommendation. *See* DE 73. “Considering Plaintiffs pro se status, as well as his reported lack of PACER access, mail delays, and health issues,” this court granted that motion. DE 74. Plaintiff then failed to file any objections to the Recommendation within the time permitted by the extension.

The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b), but need only “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made,” *id.* Notwithstanding that Plaintiff made no

objections to the Recommendation, the court has reviewed the relevant motions and the Recommendation and made a de novo determination which is in accord with the Recommendation. The court therefore adopts the Recommendation in full.

The Recommendation [DE 72] is hereby ADOPTED, and Defendants' motions to dismiss [DE 16; DE 27] are GRANTED.¹ Further, Plaintiff's motion for reconsideration [DE 61] is DENIED AS MOOT.

SO ORDERED this 5th day of February, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE

¹ This disposition also renders moot Plaintiff's motion for injunction [DE 62], which is accordingly denied.